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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 7 April 2003 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Hungary to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and, pursuant to paragraph 6 of Security Council resolution 1390 (2002) of 16 January 2002, has the honour to forward the updated national report of the Republic of Hungary pursuant to paragraph 6 of Security Council resolution 1455 (2003) of 17 January 2003.

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Annex to the note verbale dated 7 April 2003 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Committee

Updated report to the Security Council Committee established pursuant to resolution 1267 (1999) (pursuant to paragraph 6 of Security Council resolution 1455 (2003) of 17 January 2003)

The Republic of Hungary remains strongly committed to the implementation of all Security Council resolutions on combating international terrorism. The Government of Hungary adopted a comprehensive approach, targeting all major aspects of the suppression of international terrorism by way of legislative, executive and administrative actions.

The first report of Hungary summarized the steps taken according to Security Council resolution 1390 (2002) and gave an overview of the legal instruments securing their appropriate implementation.

During the first year of implementation of Security Council resolution 1390 (2002) in Hungary there has been no activity detected attributable to Osama bin Laden, al-Qa`idah or the Taliban and no case of freezing funds and other financial assets of individuals and entities on the consolidated list has been reported.

Concerted action of all Hungarian authorities and agencies to combat international terrorism makes full use of the consolidated list. It is the responsibility of the relevant authorities and agencies concerned to follow the changes in the consolidated list provided regularly by the Committee.

During the period following the submission of the first report some important developments have taken place enhancing, and related to, the implementation of resolution 1390 (2002). They are as follows:

- The Hungarian Parliament promulgated the International Convention for the Suppression of Terrorist Bombings (on 10 September 2002) and the International Convention for the Suppression of the Financing of Terrorism (on 20 December 2002). Hence, Hungary is now a party to all international instruments relating to terrorism.
- Paragraph 261 of the Hungarian Criminal Code (Act of Terrorism) has recently been amended and is now in conformity with Security Council resolutions and the guidelines and principles of the Counter-Terrorism Committee (see attachment).
- New Legislation is under way to tackle international terrorism in a comprehensive manner. The new Act will integrate international obligations relating to terrorism stemming from both relevant Security Council resolutions and common positions of the Council of the European Union on combating terrorism. The Act is supposed to incorporate the Committee's consolidated list.

Most of the questions raised in the guidelines intended to assist States in preparing their reports are dealt with in great detail in Hungary's second, updated report to the Counter-Terrorism Committee (S/2002/1153).

The Government of Hungary is convinced that this report — together with previous ones — will assist the Committee in preparing an assessment of the actions taken by Member States and enable it to recommend improvements to the current measures for the consideration of the Security Council.

Attachment

New text of paragraph 261 of the Hungarian Criminal Code as amended by paragraph 15 of Act II of 2003 — Act of Terrorism

(1) Any person who, with the aim of

a) unduly compelling a government agency, a country, or an international organization to perform, or abstain from performing, or endure, any act;

b) intimidating a population;

c) altering or destabilizing the fundamental constitutional, social or economic order of a country or destabilizing the functioning of an international organization;

commits crimes of violence against a person, causing public danger, or involving weapons, as set out in sub-section (9), shall be punishable by a sentence of imprisonment for ten to fifteen years, or of life imprisonment.

(2) Any person who, with the aims set out in sub-paragraph *a)* seizes considerable assets or property and makes demands to government agencies or international organizations in exchange of refraining from doing harm or injury to the said assets or property, or of returning them, shall be punishable according to sub-section (1).

(3) The punishment may be mitigated without limitation if the person

a) abandons the commission of the act set out in sub-sections (1) and (2) before any grave consequence has arisen therefrom, and

b) discloses his activities to the relevant authorities and thereby contributes to the prevention or mitigation of the effects of the crime, to the identification of other offenders, or to the prevention of committing further crimes.

(4) Any person who perpetrates preparation for the crimes set out in sub-sections (1) and (2) commits a crime and shall be punishable by a sentence of imprisonment for five to ten years.

(5) Any person who invites, offers for, undertakes, or agrees on the joint perpetration of committing the crimes set our in sub-sections (1) and (2) in a terrorist group, or provides the means necessary or helpful for the perpetration of a crime, or supplies or collects financial means therefore, or supports the activities of the terrorist group in any other way, commits a crime and shall be punishable by a sentence of imprisonment for five to fifteen years.

(6) The person shall not be punishable for committing the crime set out in sub-section (5) if he/she reports the crime and its circumstances to the authorities before they would otherwise learn of it.

(7) Any person who threatens to perpetrate a crime set out in sub-section (1) or (2) commits a crime and shall be punishable by a sentence of imprisonment for two to eight years.

(8) Any person who receives credible information about a terrorist offence being prepared and does not report this to the authorities commits a crime and shall be punishable by a sentence of imprisonment up to three years.

(9) For the purposes of this section,

a) "crimes of violence against a person, causing public danger, or involving weapons" shall mean: homicide; assault; wilful endangerment while performing one's official duties; violation of personal freedom; kidnapping; offence against the security of traffic; imperil of railway, air or waterway traffic; violence against an official; violence against a person with public responsibility; violence against the supporter of an official; violence against a person protected by international law; causing of public emergency; disruption of the functioning of a public utility; seizure of aircraft, railway, waterway and road (vehicular) means of public transport or vehicles capable of mass transport of goods; abuse of explosives; abuse of firearms and ammunition; smuggling of weapons, abuse of radioactive substances; abuse of weapons prohibited by international treaties; crime against the system and data of information technology; wilful damage; robbery;

b) "terrorist group" shall mean: a group of three or more persons, established over a period of time with the aim of committing crimes defined in sub-sections (1)-(2).